

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

EDWARD E. TERRELL, SR.,

Petitioner,

v.

CASE NO. 17-3125-SAC

SEDGWICK COUNTY DISTRICT COURT,

Respondent.

NOTICE AND ORDER TO SHOW CAUSE

This matter is a petition for habeas corpus. It appears petitioner was convicted of failure to comply with the Kansas Offender Registration Act (KORA). He claims the retroactive application of the KORA to him violates the Eighth Amendment, that he was denied a speedy trial, and that he received ineffective assistance of counsel.

A state prisoner who applies for federal habeas corpus relief may not proceed under 28 U.S.C. § 2254 "unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the prisoner." 28 U.S.C. §2254 (b) .

To properly exhaust state court remedies, a "state prisoner must give state courts one full opportunity to resolve any constitutional issues by invoking one complete round of the State's established appellate review process." *Frost v. Pryor*, 749 F.3d 1212, 1231 (10th Cir. 2014) (internal quotation marks omitted). A complete round requires a prisoner to seek discretionary review in the state supreme court. *See id.*

The present record does not suggest that petitioner has presented his claims in the state appellate courts. Because it is the petitioner's burden to show his exhaustion of state court remedies, see *Hernandez v. Starbuck*, 69 F.3d 1089, 1092 (10th Cir. 1995), the Court will direct petitioner to show cause why this matter should not be dismissed without prejudice to allow him to pursue available state court remedies.

IT IS, THEREFORE, BY THE COURT ORDERED petitioner's motion for leave to proceed in forma pauperis (Doc. #2) is granted.

IT IS FURTHER ORDERED petitioner's motion to amend sentence and/or Drop the KORA (Doc. #3) is construed as an amendment to the petition and is granted.

IT IS FURTHER ORDERED petitioner is granted to and including October 20, 2017, to show cause why this matter should not be dismissed due to his failure to exhaust state court remedies.

IT IS SO ORDERED.

DATED: This 20th day of September, 2017, at Topeka, Kansas.

S/ Sam A. Crow
SAM A. CROW
U.S. Senior District Judge